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FM AMCONSUL HO CHI MINH CITY  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2286  
INFO RUEHHI/AMEMBASSY HANOI IMMEDIATE 1637  
RUCNARF/ASEAN REGIONAL FORUM COLLECTIVE  
RUCNMEM/EU MEMBER STATES  
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E.O. 12958: N/A

TAGS: [PGOV](#) [PHUM](#) [PREL](#) [VM](#)

SUBJECT: FATHER LY TRIED, CONVICTED AND SENTENCED IN HUE: PRELIMINARY  
REPORT

11. (U) Summary: Father Nguyen Van Ly, a prominent democracy activist and Catholic priest, was tried and found guilty on March 30 of propagandizing against the state. He was sentenced to eight years in prison. Two of his four co-defendants were sentenced to five to six years respectively to be followed by several years of house arrest thereafter, for their roles in circulating anti-GVN propaganda. Vietnamese authorities allowed diplomats and journalists to witness the trial, which included dramatic moments of protest by Father Ly. ConGen HCMC DPO Chern observed the trial and remains in Hue. He provided Department press guidance to international media following the trial, and will meet with local officials before returning to HCMC and preparing a more extensive report. End Summary

12. (SBU) Father Nguyen Van Ly was last released from prison as part of the February 2005 Tet Amnesty. A longtime democracy activist, Ly had been in prison on this stint since 2001. Though technically subjected to "administrative restrictions" (a loose house arrest) after his release, Ly neither adhered to any restrictions nor were they enforced. He resumed his pro-democracy work and was a founding member of the "8406 Bloc" established in April 2006 on the eve of the Tenth Party Congress. Ly, along with the other Hue defendants, branched off of the 8406 Bloc and established the Vietnam Progressive Party late last year. In February, the VPP announced it would join with the U.S.-based "For the People" Party to form the "Lac Hong" Coalition. Immediately following this announcement, the GVN placed Ly under strict church arrest, first at the Archbishop's Residence in Hue and later at a more isolated provincial church. (Note: USG officials met with Ly in Hue on two occasions following his release. In May 2005, HCMC Poloff met with Ly and returned with Congressman Chris Smith in December 2005. Neither the Archbishop of Hue, nor the Vatican, has embraced Father Ly. The Church has seen Ly as a political rather than a religious advocate. Unofficially, church officials have indicated to us that they saw Ly as an obstacle to the Church's efforts to convince the GVN that the Catholic Church did not have an anti-Party political agenda. End Note)

13. (U) According to a preliminary readout by CONGEN HCMC DPO Chern, the trial of Father Ly and four other defendants was held as scheduled in Hue City on the morning of March 30. DPO Chern and observers from the European Commission, Sweden, Norway, Switzerland and Australia were allowed to watch the proceedings. They were permitted to witness the first 10 minutes of the trial in the actual courtroom and were then moved to an adjacent room where they could observe the proceedings on closed-circuit TV. Several dozen international and Vietnamese reporters were also in the TV viewing room. The trial lasted three hours, at the end of which time the DPO Chern and the other diplomatic observers were allowed back into the courtroom to observe the sentencing.

14. (U) The trial was a heated affair starting with Father Ly three times shouting out that the court was a puppet and three times being ejected from the courtroom, departing the third time with the rejoinder that "the Communist Party of Vietnam knows only the law of the jungle." None of the defendants was represented by counsel, based on the defendants' decisions to represent themselves, the judge stated. In the trial's most dramatic moment, the judge asked Hue activist Nguyen Phong if he had "consulted the laws of Vietnam" when forming his association. Phong replied that he had done nothing wrong. The political grouping was formed according to the right of association which was "enshrined in UN human rights covenants." The judge shouted him down and demanded that he answer question asked or lose the right to speak. At the conclusion of the trial, the court sentenced Ly to eight years in prison, and his co-defendants Nguyen Phong and Nguyen Binh Thanh to six and five years in prison, respectively. The other two defendants received suspended sentences and several years of administrative probation.

WINNICK